

78B-4-507. Amusement park rides -- Park responsibilities -- Rider responsibilities.

(1) As used in this section:

(a) (i) "Amusement park" means any permanent indoor or outdoor facility or park where amusement rides are available for use by the general public.

(ii) "Amusement park" does not include a ski resort, a traveling show, carnival, or fair.

(b) "Amusement ride" means a device or attraction at an amusement park which carries or conveys passengers along, around, or over a fixed or restricted route or course or allows the passenger to steer or guide it within an established area for the purpose of giving its passengers amusement, pleasure, thrills, or excitement.

"Amusement ride" includes:

(i) any water-based recreational attraction, including all water slides, wave pools, and water parks; and

(ii) typical rides, including roller coasters, whips, ferris wheels, and merry-go-rounds.

(c) "Intoxicated" means a person is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or another, in a public place or in a private place where he unreasonably disturbs other persons.

(d) "Operator" means any person, firm, or corporation that owns, leases, manages, or operates an amusement park or amusement ride and all employees and agents of the amusement park.

(e) "Rider" means any person who is:

(i) waiting in the immediate vicinity of an amusement ride in order to get on the ride;

(ii) in the process of leaving the ride but remains in its immediate vicinity; or

(iii) a passenger or participant on an amusement ride.

(2) An amusement park shall inform riders in writing, where appropriate, of the nature of the ride, including factors which would assist riders in determining whether they should participate in the ride activity and the rules concerning conduct on each ride. Information concerning the rules of conduct may be given verbally at the beginning of each ride segment or posted in writing conspicuously at the entrance to each ride.

(3) Riders are responsible for obeying the posted rules and verbal instructions of the amusement ride operator.

(4) A rider may not:

(a) board or dismount from an amusement ride except at a designated area;

(b) board an amusement ride if he has a physical condition that may be aggravated by participation on the ride;

(c) disconnect, disable, or attempt to disconnect or disable, any safety device, seat belt, harness, or other restraining device before, during, or after movement of the amusement ride has started except at the express instruction of the operator;

(d) throw or expel any object from an amusement ride;

(e) act in any manner contrary to posted or oral rules while boarding, riding, or dismounting from an amusement ride; or

- (f) engage in any reckless act or activity which may injure himself or others.
- (5) A rider may not board or attempt to board any amusement ride if he is intoxicated.
 - (a) An operator of an amusement park ride may prevent a rider who is perceptibly or apparently intoxicated from boarding an amusement ride.
 - (b) An operator who prevents a rider from boarding an amusement ride under this section, is not criminally or civilly liable if the operator reasonably believes that the rider is intoxicated.
- (6) An amusement park shall post signs and notices in conspicuous locations throughout the park informing riders of the importance of reporting all injuries sustained on amusement park premises. The signs shall contain the location where any injuries may be reported.
- (7) A rider, or the parent or guardian of a minor rider on the minor's behalf, may report in writing to the amusement facility or its designated agent any injuries sustained on an amusement ride before leaving the amusement facility premises, unless the rider, or parent or guardian of a minor rider, is unable to file a report because of the severity of the injuries to the rider. The report shall be filed as soon as reasonably possible and include:
 - (a) the name, address, and phone number of the injured person;
 - (b) if the injured person is a minor, the name, address, and phone number of the parent or guardian filing the report;
 - (c) a brief description of the incident causing the injury, including the location, date, and time of the injury;
 - (d) a description of the injury, including the cause, if known; and
 - (e) the name, address, and phone number of any known witnesses to the incident.
- (8) The actions of any rider of sufficient age and knowledge to assume the inherent risks of an amusement ride who violates the provisions of Subsection (3), (4), or (5) may be considered by the court in a civil action brought by a rider against the amusement park operator for injuries sustained while at the amusement park for the purpose of allocating fault between the parties.

Renumbered and Amended by Chapter 3, 2008 General Session